

Appl. No. 09/713,888
Amdt. dated January 12, 2004
Reply to Office Action of November 19, 2003

REMARKS

In the Office Action dated November 19, 2003, claims 1-20 are rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,787,246 (Lichtman) in view of U.S. Patent No. 6,345,319 (Lin); claims 21-26 are rejected under § 103 over Lichtman in view of Lin and U.S. Patent No. 6,094,679 (Teng); and claims 27-47 are rejected under § 103 over Lichtman in view of Lin, Teng, and U.S. Patent 6,405,362 (Shih).

The Office Action has failed to address Applicant's previous arguments setting forth why Lichtman fails to teach or suggest the act of creating a configuration information file as recited in claim 1. Page 2 of the Office Action stated that Lichtman teaches a computer system with automated configuration system, a configuration information file (configuration logic 30), an executable software routine (driver loading module 35), and installing one or more device drivers. However, the Office Action ignored much of the actual words recited in claim 1. Claim 1 does not merely recite creating a configuration information file--rather, claim 1 recites creating a configuration information file having specific content. The Office Action provides no explanation whatsoever regarding how Lichtman teaches or suggests creating the configuration information file having the specific content as recited in the claim. The obviousness rejection is defective for at least this reason.

In response to Applicant's arguments pointing out the defect in the obviousness rejection, the Examiner states that Lichtman "should not be taken in isolation of the Lin prior art reference." 10/19/2003 Office Action at 8. The problem with this assertion is that Lin is *not* relied upon by the Examiner for teaching any part of the configuration information file creating act of claim 1. Applicant was in fact addressing a specific assertion made in the prior Office Action that Lichtman teaches the configuration information file creating act of claim 1. Applicant pointed out that this assertion by the Examiner is incorrect. If the Examiner intends to rely upon Lin as teaching any part of the configuration information file creating act of claim 1, then Applicant respectfully requests that the Examiner modify the rationale underlying the obviousness rejection to explain this point. As it stands now, the obviousness rejection is clearly defective.

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Applicant notes that the configuration information file created in claim 1 contains *data specifying a command to initiate an executable software routine for installing a device driver*. There is no such teaching of such a configuration information file in Lichtman. The Office Action pointed to the configuration logic 30 as being the recited configuration information file. The configuration logic 30 is *not* a configuration information file--the configuration logic (depicted in Figure 2 of Lichtman) is software implemented as a portion of an operating system. Lichtman, 14:62-64. In response to an event, the configuration logic 30 collects device information from each of plural devices 20 for allocating resources to such devices. Lichtman, 15:1-13. The device information may be obtained from various sources, including configuration files of the operating system. Lichtman, 15:65-16:5. Thus, it is clear from a review of the description in Lichtman that the configuration logic 30 is not a configuration information file, but rather is logic to access device information which can be in a configuration file. Thus, it is respectfully submitted that the Office Action is incorrect in asserting that the configuration information file creating act is taught by Lichtman.

Therefore, a *prima facie* case of obviousness against claim 1 has not been established for at least this reason. However, there is no mention whatsoever within Lichtman that

Moreover, the Office Action admitted that Lichtman does not disclose reading data from the configuration information file, as recited in claim 1. Rather, the Office Action cited Lin as teaching this missing element. Lin describes reading from set-up files (INF files) for installation of a plug and play device. However, there is no teaching in Lin of reading data from the configuration information file, where the data *identifies actions to be accomplished* as well as information to be used to install one or more device drivers. The columns 2 and 3 passages cited by the Office Action state that the INF file of the hardware driver of a new device is opened, and the hardware device ID and hardware device class read from the INF file. However, there is no indication that the INF file is the configuration information file containing data identifying actions to be accomplished for installing one or more device drivers as recited in claim 1.

In response to this argument, the Examiner stated that the INF files are utilized in Lin, and that device ID and device class information are read to install a plug and play

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device. Again, specific words of the claim have apparently being ignored. Claim 1 specifically recites reading data from the configuration information file, where the data *identifies actions to be accomplished*. The Office Action has failed to establish how Lin teaches reading such data.

The *prima facie* case of obviousness is defective for at least this further reason. Withdrawal of the rejection of claim 1 is respectfully requested.

Dependent claims 21-26 (which depend from claim 1) were rejected over the hypothetical combination of Lichtman, Lin, and Teng. Note that Lichtman and Lin fail to teach the elements of claim 1, and thus the asserted combination of Lichtman, Lin, and Teng also fails to teach the elements of claim 1. Moreover, it is respectfully submitted that the hypothetical combination of Lichtman, Lin, and Teng fail to teach or suggest the invention of claims 21-26.

With respect to claim 21, the Office Action conceded that the asserted combination of Lichtman and Lin fails to teach or suggest executing a command that is a utility to remove a device driver by making a set of standard API calls. The Office Action also conceded that Teng fails to "explicitly" disclose this element, but argues that the element is "implicitly" disclosed by Teng. The passage of Teng cited in the Office Action (col. 9, lines 55-col. 10, line 10) discloses a printer installer application 82 that deletes software files from the memory of a network client. There is no teaching or any suggestion in Teng that such deletion of software files is accomplished by making API calls.

With respect to claim 22, contrary to the assertion in the Office Action, the server scripter component 76 of Teng does *not update* a device driver by making a set of standard API calls. Although the server scripter component 76 is coupled to a system spooler 80 by an API 78 (*see* Fig. 3 of Teng), the server scripter component does not make API calls to *update* a device driver.

Independent claim 27 was rejected over the asserted combination of Lichtman, Lin, Teng, and Shih. Applicant respectfully submits that there is no motivation or suggestion to combine the four references as proposed by the Office Action. Except for a combination that is based entirely on impermissible hindsight, no specific rationale has

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been provided in the Office Action of why there is a motivation or suggestion to combine the four references.

Moreover, as noted above, the hypothetical combination of Lichtman and Lin fails to teach the configuration information file as recited in claim 27. Also, there is no teaching or suggestion by the hypothetical combination of references of an executable file that initiates a user interface containing one or more selectable buttons associated with one or more device drivers that may be installed on the computer system, with the selection of the one or more selectable buttons causing execution of additional instructions that install device drivers based on the data stored in the configuration information file.

With respect to independent claim 30, the hypothetical combination of references does not teach or suggest a configuration information file containing data that enables the installation of *plural device drivers*, which configuration information file containing data used by a computer system to automatically install a first device driver and allocate computer system resources without user intervention, and data specifying a command to initiate an executable software routine for installing a second device driver. Also, the combination of references does not teach or suggest a user interface module that displays selectable *buttons* that enables the selection of device drivers to be installed on the computer system.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (MCE.0110US).

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Respectfully submitted,

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